

1 218.0116 (10) In addition to the licensor's authority to deny, suspend or revoke
2 a license under ~~this section~~ [✓] ss. 218.0101 to 218.0163, [✓] the division of banking, after
3 public hearing, may issue a special order enjoining any licensee from engaging in any
4 act or practice which is determined by the division of banking to be in violation of any
5 provision of ~~par. (a)~~ [✓] sub. (1), and the division of hearings and appeals may be
6 petitioned to issue such a special order after notice and hearing thereon.

7 **SECTION 181.** 218.01 (3a) (title) of the statutes is renumbered 218.0117 (title). [✓]

8 **SECTION 182.** 218.01 (3a) (a) of the statutes is renumbered 218.0117 (1) and
9 amended to read:

10 218.0117 (1) If a dealer, distributor or manufacturer is convicted under s.
11 341.55 (1) a ~~second~~ 2nd or subsequent time within the same registration year, the
12 department of transportation shall revoke the license of ~~such~~ the dealer, distributor
13 or manufacturer for a period not to exceed one year. For the purposes of this
14 ~~paragraph~~ [✓] subsection, the conviction of ~~the~~ an [✓] employe of a dealer, distributor or
15 manufacturer shall be counted as a conviction of the employer.

16 **SECTION 183.** 218.01 (3a) (b) of the statutes is renumbered 218.0117 (2) and
17 amended to read:

18 218.0117 (2) If a transporter is convicted under s. 341.55 (3) a 2nd or
19 subsequent time within the same license period, the department of transportation
20 shall revoke the license of ~~such~~ the transporter for a period not to exceed one year.

21 **SECTION 184.** 218.01 (3a) (c) of the statutes is renumbered 218.0117 (3) and
22 amended to read:

23 218.0117 (3) A dealer, distributor, manufacturer or transporter whose license
24 has been revoked shall ~~forthwith~~ immediately [✓] surrender its registration plates to a
25 traffic officer or peace officer designated by the department of transportation. A

1 dealer, distributor, manufacturer or transporter who fails to return the plates as
2 required by this ~~subsection~~ section may be fined not more than \$200 or imprisoned
3 for not more than 6 months or both.

NOTE: “(F)orthwith” is replaced with “immediately” and “for” is added for constancy
with current style.

4 **SECTION 185.** 218.01 (3a) (d) of the statutes is renumbered 218.0117 (4).

5 **SECTION 186.** 218.01 (3c) (title) of the statutes is renumbered 218.0131 (title).

6 **SECTION 187.** 218.01 (3c) (b) of the statutes is renumbered 218.0131 (1) and
7 amended to read:

8 218.0131 (1) Any designated family member of a deceased or incapacitated
9 dealer shall have the right to succeed ~~such~~ the deceased or incapacitated dealer in
10 the ownership or operation of the dealership under the existing franchise agreement
11 ~~provided if~~ the designated family member gives the manufacturer, factory branch or
12 distributor written notice of his or her intention to do so within 120 days of the
13 dealer’s death or incapacity ~~and~~, unless there exists good cause for refusal to honor
14 ~~such~~ the succession on the part of the manufacturer, factory branch or distributor.
15 The manufacturer, factory branch or distributor may request, and the designated
16 family member shall provide, ~~such~~ personal and financial data ~~as that is~~ reasonably
17 necessary to determine whether the succession should be honored. are

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18 **SECTION 188.** 218.01 (3c) (c) of the statutes is renumbered 218.0131 (2) and
19 amended to read:

20 218.0131 (2) If a manufacturer, factory branch or distributor believes it has
21 good cause for refusing to honor the succession to the ownership and operation of a
22 dealership by a family member of a deceased or incapacitated dealer under the
23 existing franchise agreement, ~~such~~ the manufacturer, factory branch or distributor

1 may, within 30 days of receipt of notice of the designated family member's intent to
2 succeed the dealer in the ownership and operation of the dealership, serve upon ~~such~~
3 the designated family member and the department of transportation notice of its
4 refusal to honor the succession and of its intent to discontinue the existing franchise
5 agreement with the dealership no sooner than 60 days from the date ~~such~~ the notice
6 is served. ~~Such~~ The notice shall state the specific grounds for the refusal to honor
7 the succession and the discontinuance of the franchise agreement. If no notice of
8 ~~such~~ refusal and discontinuance is timely served upon the family member and
9 department of transportation, or if the division of hearings and appeals rules in favor
10 of the complainant in a hearing held under ~~par. (d)~~ [✓] sub. (3), the franchise agreement
11 shall continue in effect subject to termination only in the manner prescribed in this
12 subchapter.

13 **SECTION 189.** 218.01 (3c) [✓] (d) of the statutes is renumbered 218.0131 [✓] (3) (a) and
14 amended to read:

15 218.0131 (3) (a) Any designated family member who receives a notice of the
16 manufacturer's, factory branch's or distributor's refusal to honor his or her
17 succession to the ownership and operation of the dealership may, within the 60-day
18 notice period, serve on the respondent and file in triplicate with the division of
19 hearings and appeals a verified complaint for a hearing and determination by the
20 division of hearings and appeals on whether good cause exists for ~~such~~ the
21 manufacturer's, factory branch's or distributor's refusal and discontinuance. The
22 division of hearings and appeals shall forward a copy of the complaint to the
23 department of transportation.

24 (b) The manufacturer, factory branch or distributor shall, at the hearing held
25 under par. (a), have the burden of establishing good cause for ~~such~~ its refusal by

1 showing that the succession would be detrimental to the public interest or to the
2 representation of the manufacturer, factory branch or distributor. The franchise
3 agreement shall continue in effect until the final determination of the issues raised
4 in ~~such~~ the complaint.

5 (c) If the complainant prevails at the hearing held under par. (a), he or she shall
6 have a cause of action against the defendant manufacturer, factory branch or
7 distributor for reasonable expenses and attorney fees incurred in ~~such~~ the matter.
8 If the manufacturer, factory branch or distributor prevails, the division of hearings
9 and appeals shall include in its order approving the termination of the franchise
10 agreement such conditions as are reasonable and adequate to afford the complainant
11 an opportunity to receive fair and reasonable compensation for the value of the
12 dealership.

13 **SECTION 190.** 218.01 (3c) (e) of the statutes is renumbered 218.0131 (4) and
14 amended to read:

15 218.0131 (4) Nothing in this ~~subsection~~ section shall prevent a dealer, during
16 the dealer's lifetime, from designating any person as his or her successor dealer by
17 written instrument filed with the manufacturer, factory branch or distributor.

18 **SECTION 191.** 218.01 (3n) (title) of the statutes is renumbered 218.0132 (title).

19 **SECTION 192.** 218.01 (3n) (a) of the statutes is renumbered 218.0132 (1) (a) and
20 amended to read:

21 218.0132 (1) (a) For purposes of ~~sub. (3) (a) 17.~~ s. 218.0116 (1) (i), the
22 termination, cancellation or discontinuation of a motor vehicle line make will be
23 considered to be the cancellation or failure to renew the franchise of a motor vehicle
24 dealer or distributor of that line make even if that line make is part of an agreement
25 that includes other line makes ~~but~~.

1 (b) Notwithstanding par. (a), a manufacturer, importer or distributor may
2 change, add or delete models, specifications, model names, numbers or identifying
3 marks or similar characteristics of motor vehicles that it markets without effecting
4 a cancellation or failure to renew a franchise.

5 **SECTION 193.** 218.01 (3n) (b) (intro.) of the statutes is renumbered 218.0132 (2)
6 (intro.) and amended to read:

7 218.0132 (2) (intro.) The cancellation or nonrenewal of a franchise shall not be
8 a violation of ~~sub. (3) (a) 17.~~ s. 218.0116 (1) (i) if all of the following requirements are
9 met:

10 **SECTION 194.** 218.01 (3n) (b) 1. of the statutes is renumbered 218.0132 (2) (a).

11 **SECTION 195.** 218.01 (3n) (b) 2. of the statutes is renumbered 218.0132 (2) (b).

12 **SECTION 196.** 218.01 (3n) (b) 3. of the statutes is renumbered 218.0132 (2) (c)
13 and amended to read:

14 218.0132 (2) (c) If the franchisee is a motor vehicle dealer, the dealer receives
15 the termination benefits under ~~sub. (3r)~~ s. 218.0133.

16 **SECTION 197.** 218.01 (3n) (b) 4. (intro.) of the statutes is renumbered 218.0132
17 (2) (d) (intro.).

18 **SECTION 198.** 218.01 (3n) (b) 4. a. of the statutes is renumbered 218.0132 (2)
19 (d) 1.

20 **SECTION 199.** 218.01 (3n) (b) 4. b. of the statutes is renumbered 218.0132 (2)
21 (d) 2. and amended to read:

22 218.0132 (2) (d) 2. Compensates the dealer or distributor for the actual
23 pecuniary loss caused by the franchise cancellation or nonrenewal. In determining
24 the actual pecuniary loss, the value of any continued service or parts business
25 available to the dealer or distributor for the line make covered by the franchise shall

1 be considered. If the dealer or distributor and the manufacturer, importer or
2 distributor cannot agree on the amount of compensation to be paid under this [✓]subd.
3 ~~4. b.~~ [✓]subdivision, either may file a declaratory judgment action in a court of
4 competent jurisdiction.

5 **SECTION 200.** 218.01 (3n) (b) 4. c. of the statutes is renumbered 218.0132 (2)
6 (d) 3. and amended to read:

7 218.0132 (2) (d) 3. Establishes, in a proceeding brought by the dealer or
8 distributor alleging that the cancellation or nonrenewal violates ~~sub. (3) (a) 17. s.~~ [✓]
9 218.0116 (1) (i), that the continued distribution of the line make in the United States
10 would cause it economic loss and that, after the effective date of the franchise
11 cancellation or nonrenewal, neither the manufacturer, importer or distributor nor
12 any owner, assignee or licensee of the trademarks or service marks used for the
13 purpose of designating, making known or distinguishing the line make covered by
14 the franchise will use the trademarks or service marks, either alone or in conjunction
15 with other marks, in designating, making known or distinguishing any line make of
16 motor vehicle sold or distributed in the United States.

17 **SECTION 201.** 218.01 (3n) (b) 4. d. of the statutes is renumbered 218.0132 (2)
18 (d) 4. (intro.) and amended to read:

19 218.0132 (2) (d) 4. (intro.) If the franchise relates to a line make that is sold or
20 distributed in less than 13 states of the United States, establishes, in a proceeding
21 brought by the dealer or distributor alleging that the cancellation or nonrenewal
22 violates ~~sub. (3) (a) 17. s.~~ [✓]218.0116 (1) (i), that all of the following:

23 a. That the continued distribution of the line make in this state would cause
24 it economic loss ~~and that,~~

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1 b. That after the effective date of the franchise cancellation or nonrenewal,
2 neither the manufacturer, importer or distributor nor any owner, assignee or licensee
3 of the trademarks or service marks used for the purpose of designating, making
4 known or distinguishing the line make covered by the franchise will use ~~such~~ those
5 trademarks or service marks, either alone or in conjunction with other marks, in
6 designating, making known or distinguishing any line make of motor vehicle sold or
7 distributed in this state, except that, if the line make covered by the franchise has
8 been first distributed in this state less than 2 years before the effective date of the
9 cancellation or nonrenewal, ~~such~~ those trademarks and service marks may be used
10 in this state after 6 years from the effective date of the cancellation or nonrenewal.

11 **SECTION 202.** 218.01 (3n) (b) [✓]4. e. of the statutes is renumbered 218.0132 (2)
12 (d) 5. (intro.) and amended to read:

13 218.0132 (2) (d) 5. (intro.) Establishes, in a proceeding brought by the dealer
14 or distributor alleging that the cancellation or nonrenewal violates sub. (3) (a) 17. [✓]~~5.~~

15 218.0116 (1) (i), that all of the following:

16 a. That the continued distribution of the line make in this state is prohibited
17 by law or by an order of a court or agency with jurisdiction to issue the order ~~and that.~~

18 b. That the continued distribution of the line make in this state cannot be made
19 to comply with the law or order through the reasonable efforts of the manufacturer,
20 importer or distributor ~~and that.~~

21 c. That after the effective date of the franchise cancellation or nonrenewal,
22 neither the manufacturer, importer or distributor nor any owner, assignee or licensee
23 of the trademarks or service marks used for the purpose of designating, making
24 known or distinguishing the line make covered by the franchise will use ~~such~~ those
25 trademarks or service marks, either alone or in conjunction with other marks, in

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1 designating, making known or distinguishing any comparable line make of motor
2 vehicle sold or distributed in this state.

3 **SECTION 203.** 218.01 (3r) (title) of the statutes is renumbered 218.0133 (title).

4 **SECTION 204.** 218.01 (3r) (a) (intro.) of the statutes is renumbered 218.0133 (1)
5 (intro.) and amended to read:

6 218.0133 (1) (intro.) In this ~~subsection~~ section:

7 **SECTION 205.** 218.01 (3r) (a) 1. of the statutes is renumbered 218.0133 (1) (a).

8 **SECTION 206.** 218.01 (3r) (a) 2. of the statutes is renumbered 218.0133 (1) (b).

9 **SECTION 207.** 218.01 (3r) (b) 1. of the statutes is renumbered 218.0133 (2) (a)
10 and amended to read:

11 218.0133 (2) (a) Except as provided in ~~par. (e)~~ sub. (5) and subject to ~~par. (e)~~ sub.
12 (3), when a grantor or motor vehicle dealer terminates, cancels or does not renew an
13 agreement a grantor shall pay a motor vehicle dealer all of the termination benefits
14 under ~~subds. 2. to 5.~~ pars. (b) to (e).

15 **SECTION 208.** 218.01 (3r) (b) 2. of the statutes is renumbered 218.0133 (2) (b)
16 1. (intro.) and amended to read:

17 218.0133 (2) (b) 1. (intro.) A grantor shall repurchase from the motor vehicle
18 dealer any unsold new motor vehicles vehicle that ~~have~~ meets all of the following
19 criteria:

20 a. The motor vehicle has not been structurally modified by a motor vehicle
21 dealer, ~~that have,~~

22 b. The motor vehicle has not been operated more than 300 miles for
23 manufacturer's tests, predelivery tests and motor vehicle dealer exchange in
24 addition to operation required for motor vehicle delivery from the grantor ~~and that~~
25 ~~the,~~

1 c. The motor vehicle dealer was acquired as part of the motor vehicle dealer's
2 original inventory or ~~acquired~~ from the grantor or from another motor vehicle dealer
3 of the same line make ~~and~~ who acquired the motor vehicle from the grantor. ~~In~~
4 addition, a

5 2. A grantor may not be required to repurchase a motor vehicle under this
6 ~~subdivision~~ ^{paragraph} unless the date on the original dealer invoice is within 12 months of the
7 date on which the motor vehicle dealer terminates, cancels or does not renew an
8 agreement or is within 18 months of the date on which the grantor terminates,
9 cancels or does not renew an agreement.

10 3. The repurchase price for a new motor vehicle shall be the motor vehicle
11 invoice price from the grantor, plus destination, delivery or distribution charges and
12 sales taxes incurred by the motor vehicle dealer, less allowances paid or credited to
13 the motor vehicle dealer by the grantor. A grantor may subtract from a new motor
14 vehicle repurchase price an amount equal to the diminution in wholesale value
15 caused by damages to a new motor vehicle before the motor vehicle dealer delivers
16 the new motor vehicle to the grantor.

17 **SECTION 209.** 218.01 (3r) (b) 3. of the statutes is renumbered 218.0133 (2) (c) 1.
18 (intro.) and amended to read:

19 218.0133 (2) (c) 1. (intro.) A grantor shall repurchase from the motor vehicle
20 dealer any unused, undamaged and unsold parts and accessories and unopened
21 appearance and maintenance materials and paints ~~that~~ if those items meet all of the
22 following criteria:

23 a. The items are in the motor vehicle dealer's inventory or subject to a
24 noncancelable order to the grantor on the effective date of the termination,

1 cancellation or nonrenewal, ~~that and~~ are in original packaging, or, if sheet metal or
2 body panels, ~~that are in a comparable substitute for original packaging, and that the~~

3 b. The items were acquired by the motor vehicle dealer ~~acquired~~ from the
4 grantor or from ~~its~~ the motor vehicle dealer's predecessor motor vehicle dealer if and
5 the ~~parts, accessories and materials and paints~~ items are listed for sale in the
6 grantor's price schedules in effect on the effective date of the termination,
7 cancellation or nonrenewal ~~or~~, the items are part of the motor vehicle dealer's
8 original inventory acquired from the grantor or ~~are~~ the items were acquired by the
9 motor vehicle dealer from the grantor within 4 years before the effective date of the
10 termination, cancellation or nonrenewal. ~~However, a~~

11 2. A grantor may not be required to repurchase items that are not listed for sale
12 in the grantor's price schedules in effect on the effective date of the termination,
13 cancellation or nonrenewal if, within 2 years before the effective date of the
14 termination, cancellation or nonrenewal, the grantor permitted a motor vehicle
15 dealer to return obsolete parts and accessories, or a reasonable percentage of parts
16 and accessories, for an amount that is equal to or greater than the price at which
17 those items were listed for sale, less any allowances, at the time the return was
18 permitted.

19 3. The repurchase price for parts, accessories ~~and~~, materials and paints
20 repurchased under subd. 1. shall be the price at which those items are listed for sale
21 in the grantor's price schedules in effect on the effective date of the termination,
22 cancellation or nonrenewal, or, if an item is not listed, the motor vehicle dealer's
23 original invoice cost, plus destination, delivery or distribution charges, and sales
24 taxes incurred by the motor vehicle dealer, less allowances paid or credited to the
25 motor vehicle dealer by the grantor. If a motor vehicle dealer inventories, handles

1 and packages repurchased items for delivery to the grantor, the grantor shall
2 reimburse the motor vehicle dealer an additional amount equal to 2% of the
3 repurchase price under this ~~subdivision~~ paragraph.

4 **SECTION 210.** 218.01 (3r) (b) 4. of the statutes is renumbered 218.0133 (2) (d).

5 **SECTION 211.** 218.01 (3r) (b) 5. of the statutes is renumbered 218.0133 (2) (e).

6 **SECTION 212.** 218.01 (3r) (c) of the statutes is renumbered 218.0133 (3) and
7 amended to read:

8 218.0133 (3) (a) The grantor shall provide a list of the motor vehicles, parts,
9 accessories, materials and paints, signs, tools, equipment and furnishings that the
10 motor vehicle dealer is authorized to return to the grantor within 30 days after the
11 grantor receives a written inventory of the property that the motor vehicle dealer
12 intends to return or within 30 days after the effective date of the termination,
13 cancellation or nonrenewal, whichever is later. Within 60 days after the property is
14 actually returned by the motor vehicle dealer to the grantor, f.o.b. dealership
15 facilities, the grantor shall pay the motor vehicle dealer the reimbursement amount
16 under ~~par. (b) 2. to 5.~~ sub. (2) (b) to (e), except that the grantor may apply the
17 reimbursement amount first to pay any amount owed by the motor vehicle dealer to
18 the grantor.

19 (b) If a repurchase price under ~~par. (b)~~ sub. (2) depends on a purchase date or
20 original cost or includes an associated cost, the motor vehicle dealer shall have the
21 burden of proving by documentary evidence the purchase date, original cost or
22 associated cost.

23 **SECTION 213.** 218.01 (3r) (d) 1. of the statutes is renumbered 218.0133 (4) (a)
24 and amended to read:

1 218.0133 (4) (a) Except as provided in ~~par. (e)~~ [✓] sub. (5) [✓] and subject to ~~subd. 4.~~ [✓]
2 par. (d) [✓], when a grantor terminates, cancels or does not renew an agreement a
3 grantor shall, upon request, pay a motor vehicle dealer the termination benefits
4 under ~~subd. 2. or 3.~~ [✓] par. (b) or (c) [✓]. If a motor vehicle dealer receives benefits under
5 ~~subd. 2. or 3.~~ [✓] par. (b) or (c) [✓], the grantor shall be entitled to the possession and use of
6 the dealership facilities for the period that the termination benefits payment covers.

7 **SECTION 214.** 218.01 (3r) (d) 2. of the statutes is renumbered 218.0133 (4) (b). [✓]

8 **SECTION 215.** 218.01 (3r) (d) 3. of the statutes is renumbered 218.0133 (4) (c). [✓]

9 **SECTION 216.** 218.01 (3r) (d) 4. of the statutes is renumbered 218.0133 (4) (d) [✓]

10 and amended to read:

11 218.0133 (4) (d) ~~Subdivisions 2. and 3.~~ [✓] Paragraphs (b) and (c) [✓] apply only to
12 dealership facilities that are used in performing sales and service obligations under
13 an agreement before the motor vehicle dealer receives notice of the termination,
14 cancellation or nonrenewal of the agreement.

15 **SECTION 217.** 218.01 (3r) (c) 1. (intro.) of the statutes is renumbered 218.0133 [✓]
16 (5) (a) (intro.) and amended to read:

17 218.0133 (5) (a) (intro.) ~~Paragraphs (b) and (d)~~ [✓] Subsections (2) and (4) [✓] do not
18 apply to any of the following:

19 **SECTION 218.** 218.01 (3r) (e) 1. a. of the statutes is renumbered 218.0133 (5) (a) [✓]

20 1.

21 **SECTION 219.** 218.01 (3r) (e) 1. b. of the statutes is renumbered 218.0133 (5) (a) [✓]

22 2.

23 **SECTION 220.** 218.01 (3r) (e) 1. c. of the statutes is renumbered 218.0133 (5) (a) [✓]

24 3.

1 **SECTION 221.** 218.01 (3r) (e) 1. d. of the statutes is renumbered 218.0133 (5) (a)

2 4.

3 **SECTION 222.** 218.01 (3r) (e) 1. e. of the statutes is renumbered 218.0133 (5) (a)

4 5. and amended to read:

5 218.0133 (5) (a) 5. A motor vehicle dealer who terminates, cancels or fails to

6 renew an agreement to sell motor homes, as defined in s. 340.01 (33m), unless a court,

7 a licensor or the division of hearings and appeals determines that the grantor has not

8 acted in good faith or has materially violated the agreement or a provision of this

9 section ss. 218.0101 to 218.0163 and determines that the motor vehicle dealer has

10 not acted in bad faith or has not violated the agreement or a provision of this section

11 ss. 218.0101 to 218.0163.

12 **SECTION 223.** 218.01 (3r) (e) 1. f. of the statutes is renumbered 218.0133 (5) (a)

13 6.

14 **SECTION 224.** 218.01 (3r) (e) 2. of the statutes is renumbered 218.0133 (5) (b)

15 and amended to read:

16 218.0133 (5) (b) ~~Paragraph (b)~~ Subsection (2) does not apply to a motor vehicle

17 dealer who is unable to convey clear title to property under ~~par. (b) 2. to 5.~~ sub. (2)

18 (b) to (e) on the date on which the grantor takes delivery of the property.

19 **SECTION 225.** 218.01 (3r) (e) 3. of the statutes is renumbered 218.0133 (5) (c)

20 and amended to read:

21 218.0133 (5) (c) ~~Paragraph (b)~~ Subsection (2) does not apply to property under

22 ~~par. (b) 2. to 5.~~ sub. (2) (b) to (e) that is acquired by a motor vehicle dealer from another

23 motor vehicle dealer if the property is acquired after the motor vehicle dealer receives

24 or gives notice of termination, cancellation or nonrenewal or if the property was

25 acquired other than in the ordinary course of the motor vehicle dealer's business.

1 **SECTION 226.** 218.01 (3r) (e) 4. of the statutes is renumbered 218.0133 (5) (d)
2 and amended to read:

3 218.0133 (5) (d) ~~Paragraph (d)~~ Subsection (4) does not apply if a grantor
4 terminates, cancels or fails to renew an agreement in compliance with ~~sub. (3) (a)~~ 17.
5 s. 218.0116 (1) (i), unless the primary ground for termination, cancellation or
6 nonrenewal is inadequate sales performance by the motor vehicle dealer.

7 **SECTION 227.** 218.01 (3r) (f) of the statutes is renumbered 218.0133 (6) and
8 amended to read:

9 218.0133 (6) (a) This ~~subsection~~ section does not restrict the right of a motor
10 vehicle dealer to pursue any other remedy available against a grantor who
11 terminates, cancels or does not renew an agreement.

12 (b) A grantor may not make the termination benefits payments under ~~par. (b)~~
13 ~~or (d)~~ sub. (2) or (4) contingent on the motor vehicle dealer releasing or waiving any
14 rights, claims or remedies.

15 **SECTION 228.** 218.01 (3x) (title) of the statutes is renumbered 218.0134 (title).

16 **SECTION 229.** 218.01 (3x) (a) of the statutes is renumbered 218.0134 (1) and
17 amended to read:

18 218.0134 (1) In this ~~subsection~~ section, “affected grantor” means a
19 manufacturer on direct dealerships, a distributor on indirect dealerships or an
20 importer on direct dealerships that has entered into an agreement with a motor
21 vehicle dealer and that is directly affected by an action proposed to be undertaken
22 by the dealer under this ~~subsection~~ section.

23 **SECTION 230.** 218.01 (3x) (b) of the statutes is renumbered 218.0134 (2) and
24 amended to read:

1 218.0134 (2) (a) If a motor vehicle dealer's agreement with an affected grantor
2 requires the grantor's prior approval of an action proposed to be undertaken by the
3 dealer under this ~~subsection~~ [✓]section, a dealer may not voluntarily change its
4 ownership or executive management, transfer its dealership assets to another
5 person, add another franchise at the same location as its existing franchise or
6 relocate a franchise without giving prior written notice of the proposed action to the
7 affected grantor and to the department of transportation. Within 20 days after
8 receiving the notice, the affected grantor may serve the dealer with a written list of
9 the information not already known or in the possession of the grantor that is
10 reasonably necessary in order for the grantor to determine whether the proposed
11 action should be approved. The grantor shall, in good faith, confirm in writing to the
12 dealer the date on which it has received from the dealer or from other sources al

13 ? → l the information specified on the list.

14 (b) An affected grantor who does not approve of the proposed action shall,
15 within 30 days after receiving the dealer's written notice of the proposed action or
16 within 30 days after receiving all the information specified in a written list served
17 on the dealer under [✓]subd. 1. par. (a), [✓]whichever is later, file with the department of
18 transportation and serve upon the dealer a written statement of the reasons for its
19 disapproval. The reasons given for the disapproval or any explanation of those
20 reasons by the manufacturer, distributor or importer shall not subject the
21 manufacturer, distributor or importer to any civil liability unless the reasons given
22 or explanations made are malicious and published with the sole intent to cause harm
23 to the dealer or a transferee of the dealer. Failure to file and serve a statement within
24 the applicable period shall, notwithstanding the terms of any agreement, constitute
25 approval of the proposed action by the grantor. If an affected grantor files a written

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1 statement within the applicable period, the dealer may not voluntarily undertake
2 the proposed action unless it receives an order permitting it to do so from the division
3 of hearings and appeals under ~~par. (e) 2.~~ [✓] sub. (3) (b).

4 (c) A dealer who is served with a written statement by an affected grantor under
5 ~~subd. 2.~~ [✓] par. (b) may file with the department of transportation and the division of
6 hearings and appeals and serve upon the affected grantor a complaint for the
7 determination of whether there is good cause for permitting the proposed action to
8 be undertaken. The division of hearings and appeals shall promptly schedule a
9 hearing and decide the matter. The proposed action may not be undertaken pending
10 the determination of the matter.

11 **SECTION 231.** 218.01 (3x) [✓] (c) of the statutes is renumbered 218.0134 (3).

12 **SECTION 232.** 218.01 (3x) (d) [✓] (intro.) of the statutes is renumbered 218.0134 (4)
13 (intro.) and amended to read:

14 218.0134 (4) (intro.) This ~~subsection~~ [✓] section [✓] does not apply to:

15 **SECTION 233.** 218.01 (3x) (d) 1. [✓] of the statutes is renumbered 218.0134 (4) (a).

16 **SECTION 234.** 218.01 (3x) (d) 2. [✓] of the statutes is renumbered 218.0134 (4) (b)

17 and amended to read:

18 218.0134 (4) (b) A proposed action that would require an affected grantor to
19 give notice under ~~sub. (3) (f) 1.~~ [✓] s. 218.0116 (7) (a), except that the dealer must have
20 the affected grantor's written approval before undertaking any such proposed action.

21 **SECTION 235.** 218.01 (3x) (d) 3. [✓] (intro.) of the statutes is renumbered 218.0134
22 (4) (c) (intro.).

23 **SECTION 236.** 218.01 [✓] (3x) (d) 3. a. of the statutes is renumbered 218.0134 (4)

24 (c) 1.

1 **SECTION 237.** 218.01 (3x) (d) 3. b. of the statutes is renumbered 218.0134 (4)
2 (c) 2. (intro.) and amended to read:

3 218.0134 (4) (c) 2. (intro.) The proposed change of ownership or transfer of
4 dealership assets does not involve the transfer of assets or the transfer or issuance
5 of stock by the dealer or one or more dealer owners to one or more immediate family
6 members of one or more dealer owners or to a qualifying member of the dealer's
7 management or to a partnership, limited liability company or corporation controlled
8 by such those persons. In this subd. 3. b. subdivision, "immediate"

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9 a. "Immediate family member" means the spouse, child, grandchild, spouse of
10 a child or grandchild, brother, sister or parent of the dealer owner; and "qualifying.
11 b. "Qualifying member of the dealer's management" means an individual who
12 has been employed by the dealer for at least 2 years and who otherwise qualifies as
13 a dealer operator.

14 **SECTION 238.** 218.01 (3x) (d) 3. c. of the statutes is renumbered 218.0134 (4) (c)
15 3. and amended to read:

16 218.0134 (4) (c) 3. The affected grantor agrees to pay the reasonable expenses,
17 including reasonable attorney fees that do not exceed the usual, customary and
18 reasonable fees charged for similar work done for other clients, incurred by the
19 proposed new owner or transferee before the grantor's exercise of its right of first
20 refusal in negotiating and implementing the contract for the proposed change of
21 ownership or transfer of dealership assets. Notwithstanding this subd. 3. c.
22 subdivision, no payment of expenses and attorney fees shall be required if the dealer
23 has not submitted or caused to be submitted an accounting of those expenses within
24 7 days after the dealer's receipt of the affected grantor's written request for an
25 accounting.

1 **SECTION 239.** 218.01 (3x) (d) 4. of the statutes is renumbered 218.0134 (4) (d).

2 **SECTION 240.** 218.01 (4) of the statutes is renumbered 218.0151 and amended
3 to read:

4 **218.0151 Advisory committee.** The licensor may appoint annually one or
5 more local advisory committees and one general advisory committee, each consisting
6 of not more than 9 members. The committees upon request of the licensor may advise
7 and assist the licensor in the administration of ~~this section~~ ss. 218.0101 to 218.0163.
8 The members of ~~said the~~ committees shall receive no compensation for their services
9 or expenses.

10 **SECTION 241.** 218.01 (5) (title) of the statutes is renumbered 218.0152 (title).

11 **SECTION 242.** 218.01 (5) (a) of the statutes is renumbered 218.0152 (1) and
12 amended to read:

13 **218.0152 (1)** The licensor shall promote the interests of retail buyers and
14 lessees of motor vehicles relating to default, delinquency, repossession or collection
15 charges and the refund of the finance charge and insurance premium on prepayment
16 of the instalment contract or consumer lease. It may define unfair practices in the
17 motor vehicle industry and trade between licensees or between any licensees and
18 retail buyers, lessees or prospective lessees of motor vehicles, but may not limit the
19 price at which licensees may sell, assign or transfer receivables, contracts or other
20 evidence of any obligation arising out of an instalment sale or consumer lease made
21 under ~~this section~~ ss. 218.0101 to 218.0163.

22 **SECTION 243.** 218.01 (5) (b) 1. of the statutes is renumbered 218.0152 (2) (a)
23 (intro.) and amended to read:

1 218.0152 (2) (a) (intro.) The division of banking, department of transportation
2 and division of hearings and appeals shall have the power in hearings arising under
3 this chapter to ~~determine~~ do all of the following:

4 1. Determine the place, in this state, where ~~they~~ the hearings shall be held; ~~to~~
5 subpoena.

6 2. Subpoena witnesses and documents; ~~to take~~.

7 3. Take and permit the taking of depositions of witnesses residing in or outside
8 of this state and to otherwise permit the discovery and preservation of evidence
9 before hearing, in the manner provided for in civil actions in courts of record; ~~to pay~~
10 such.

11 4. Pay the witnesses described in subd. 2 the fees and mileage for their
12 attendance ~~as is~~ that are provided for witnesses in civil actions in courts of record;
13 and ~~to administer~~.

14 5. Administer oaths.

15 **SECTION 244.** 218.01 (5) (b) 2. of the statutes is renumbered 218.0152 (2) (b) and
16 amended to read:

17 218.0152 (2) (b) If the licensor has reason to believe that a violation of ~~this~~
18 section ss. 218.0101 to 218.0163 has occurred, the licensor may issue subpoenas to
19 compel the attendance of persons to be examined or the production of materials
20 regarding the violation. Subpoenas shall be issued and served in accordance with
21 ch. 885.

22 **SECTION 245.** 218.01 (5) (b) 3. of the statutes is renumbered 218.0152 (2) (c) and
23 amended to read:

24 218.0152 (2) (c) A person providing information under this ~~paragraph~~
25 subsection may request that the information be designated as a trade secret, as

1 defined in s. 134.90 (1) (c), or as confidential business information. The division of
2 hearings and appeals or licensor shall approve the designation if the person
3 providing the information demonstrates that the release of the information would
4 adversely affect the person's competitive position. At least 15 days before any
5 information designated as a trade secret or as confidential business information is
6 disclosed to any other person, the division of hearings and appeals or licensor shall
7 notify the person providing the information. The person providing the information
8 may seek a court order limiting or prohibiting the disclosure. In such cases, in which
9 case the court shall weigh the need for confidentiality of the information against the
10 public interest in disclosure. Confidentiality is waived if the person providing the
11 information consents in writing to disclosure.

12 **SECTION 246.** 218.01 (5) (c) of the statutes is renumbered 218.0152 (3) and
13 amended to read:

14 218.0152 (3) The licensor may make promulgate such rules and regulations as
15 it shall deem as it considers necessary or proper for the effective administration and
16 enforcement of this section ss. 218.0101 to 218.0163, but no licensee shall be subject
17 to examination or audit by the licensor except as provided in sub. (3) (d) s. 218.0116
18 (5).

19 **SECTION 247.** 218.01 (5m) (title) of the statutes is renumbered 218.0141 (title).

20 ~~**SECTION 248.** 218.01 (5m) (a) of the statutes is renumbered 218.0141~~

21 **SECTION 249.** 218.01 (6) (title) of the statutes is renumbered 218.0142 (title).

22 **SECTION 250.** 218.01 (6) (a) of the statutes is renumbered 218.0142 (1).

23 **SECTION 251.** 218.01 (6) (b) of the statutes is renumbered 218.0142 (2) (a)

24 (intro.) and amended to read:

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1 218.0142 (2) (a) (intro.) Prior to or concurrent with any instalment sale, the
2 seller shall deliver to the buyer a written statement clearly describing ~~clearly~~ the all
3 of the following:

- 4 1. The motor vehicle sold to the buyer, ~~the~~.
- 5 2. The cash sale price, ~~the~~.
- 6 3. The cash paid down by the buyer, ~~the~~.
- 7 4. The amount credited the buyer for any trade-in ~~and a~~.
- 8 5. A description of the cost to the retail buyer of any insurance, ~~the~~.
- 9 6. The amount financed, which may include the cost of insurance, and sales and
10 use taxes, ~~the~~.
- 11 7. The amount of the finance charge, ~~the~~.
- 12 8. The amount of any other charge specifying its purpose, ~~the~~.
- 13 9. The total of payments due from the buyer, ~~the~~.
- 14 10. The terms of the payment of ~~such~~ the total, ~~the~~ of payments due from the
15 buyer.

16 11. The amount and date of each payment necessary ~~finally~~ to finally pay the
17 total and ~~a~~.

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18 12. A summary of any insurance coverage to be effected.

19 (b) The division of banking may determine the form of the statement required
20 under par. (a).

21 (c) If a written order is taken from a prospective purchaser in connection with
22 any instalment sale, the written statement described in par. (a) shall be given to the
23 purchaser prior to or concurrent with the signing of the order by the purchaser.

24 **SECTION 252.** 218.01 (6) (bp) of the statutes is renumbered 218.0142 (3).

1 **SECTION 253.** 218.01 (6) (c) of the statutes is renumbered 218.0142 (4) and
2 amended to read:

3 218.0142 (4) An exact copy of the instalment sale contract and any note or notes
4 given in connection ~~therewith~~ with the contract shall be furnished by the seller to the
5 buyer at the time the buyer signs ~~such~~ the contract. The buyer's copy of the contract
6 shall contain the signature of the seller identical with the signature on the original
7 contract. No contract shall be signed in blank except that a detailed description of
8 the motor vehicle including the serial number or other identifying marks of the
9 vehicle sold which are not available at the time of execution of ~~such~~ the contract may
10 be filled in before final delivery of the motor vehicle.

11 **SECTION 254.** 218.01 (6) (d) of the statutes is renumbered 218.0142 (5) and
12 amended to read:

13 218.0142 (5) A violation of ~~par. (a), (b) or (bp)~~ sub. (1), (2) or (3) bars recovery
14 of any finance charge by the seller, or an assignee of the seller who, at the time of the
15 assignment, had knowledge of the violation, in any suit upon a sales contract arising
16 from the sale where the violation occurred.

17 **SECTION 255.** 218.01 (6) (e) of the statutes is renumbered 218.0142 (6) (a)
18 (intro.) and amended to read:

19 218.0142 (6) (a) (intro.) Prior to 30 days after acquisition of any retail
20 instalment contract from a retail seller, every finance company shall ~~mail~~ do all of
21 the following:

22 1. Mail or deliver to the retail buyer a written notice that ~~it~~ the finance company
23 has acquired the retail instalment contract from the retail seller, ~~and shall also mail.~~

24 2. Mail or cause to be mailed with the notice described in subd. 1. a statement
25 of the particulars of the retail instalment contract price required under ~~par. (b)~~ sub.

1 ✓
2 (2) to be stated by the retail seller, in accordance with the finance company's records
3 respecting ~~such~~ the particulars of the retail instalment contract, including the
4 amount of the finance charge.

5 (b) Every finance company, if insurance is provided by ~~it~~ the finance company,
6 shall also within ~~the~~ 30 days after acquisition of the retail instalment contract send
7 or cause to be sent to the retail buyer a policy of insurance clearly setting forth the
8 exact nature of the insurance coverage and the amount of the premiums, each stated
9 separately, which shall be filed with the commissioner of insurance in accordance
10 with ch. 625. The cancellation and rewriting of any ~~such~~ policy provided by the
11 finance company shall comply with the requirements of s. 631.69.

12 **SECTION 256.** 218.01 (6) (em) of the statutes is renumbered 218.0142 (7) and
13 amended to read:

14 218.0142 (7) In the event that the dealer shall finance the instalment sale
15 contract, the division of banking may permit the dealer to combine the information
16 required by ~~pars. (b) and (c)~~ [✓] last above subs. (2) and (6) in one statement under ~~such~~
17 ~~rules and regulations as that~~ the division of banking may from time to time ~~prescribe~~
18 promulgate.

NOTE: Modernizes language in accordance with current drafting style and usage.

19 **SECTION 257.** 218.01 (6) (f) of the statutes is renumbered 218.0142 (8) and
20 amended to read:

21 218.0142 (8) Any retail buyer of a motor vehicle, ~~resident in the state of~~
22 ~~Wisconsin, at the time of purchase~~, under a retail instalment contract, who is a
23 resident of this state at the time of purchase shall have a valid defense in any action
24 or proceeding at law to enforce ~~said~~ the contract by any finance company ~~that is~~ not
25 licensed ~~hereunder~~ and which has purchased or otherwise acquired ~~such~~ the

1 contract, if such the finance company has wilfully failed or refused to comply with
2 par. (e) sub. (6).

3 **SECTION 258.** 218.01 (6) (g) of the statutes is renumbered 218.0142 (9) (intro.)
4 and amended to read:

5 218.0142 (9) (intro.) Any retail buyer of a motor vehicle, ~~resident of the state~~
6 ~~of Wisconsin at the time of purchase~~, under a retail instalment contract made in this
7 state, who is a resident of this state at the time of purchase shall have a valid defense
8 against the recovery of the principal, finance charge and other fees included in the
9 contract, in any action or proceeding at law to enforce the contract by any person who
10 has purchased or otherwise acquired the contract, if all of the following are true:

11 (a) The person who acquired the contract has failed or refused prior to the
12 purchase or acquisition to be licensed as a sales finance company under this section,
13 and the ss. 218.0101 to 218.0163.

14 (b) The person who acquired the contract is actually engaged in business, in
15 whole or in part as a sales finance company.

16 **SECTION 259.** 218.01 (6) (h) of the statutes is renumbered 218.0142 (10) and
17 amended to read:

18 218.0142 (10) All transactions which constitute consumer transactions (s.
19 421.301 (13)) are subject to chs. 421 to 427, in addition to this section ss. 218.0101
20 to 218.0163.

21 **SECTION 260.** 218.01 (6) (k) of the statutes is renumbered 218.0142 (11) and
22 amended to read:

23 218.0142 (11) This subsection section does not apply to a retail instalment sale
24 of a motor vehicle made on or after November 1, 1981, if the motor vehicle is to be used

1 primarily for business or commercial purposes and not for the buyer's personal,
2 family or household use.

3 **SECTION 261.** 218.01 (6m) of the statutes is renumbered 218.0143 and amended
4 to read:

5 **218.0143 Notice of insurance to buyer under instalment sales contract.**

6 (1) Whenever a person sells or agrees to sell any motor vehicle at retail under a retail
7 instalment contract wherein provision is made provides for insurance coverage, or
8 a charge is made therefor, such for insurance coverage, the policy so issued or
9 provided for, shall include public liability coverage protecting the driver of such the
10 motor vehicle against damages resulting from the negligent use thereof or, of the
11 vehicle.

12 (2) Whenever a person sells or agrees to sell any motor vehicle at retail under
13 a retail instalment contract which does not provide for insurance coverage the seller
14 shall, in writing, notify the buyer at the time of making such the retail instalment
15 contract that the motor vehicle is not covered by public liability insurance protecting
16 the driver against damages resulting from the negligent use thereof of the vehicle.

17 (3) The seller shall obtain, on a form separate from the retail instalment
18 contract, the signed acknowledgment of the buyer that he or she has been notified
19 that the contract does or does not include such public liability insurance protecting
20 the driver against damages resulting from the negligent use of the vehicle. is

21 **SECTION 262.** 218.01 (6x) ~~title and (a) of the statutes are~~ renumbered
22 218.0144 ~~title and (1) to (4)~~ and 218.0144 (4), as renumbered, is amended to read:

23 218.0144 (4) A prospective lessor may cancel a prelease agreement that, with
24 regard to the lease terms disclosed in the prelease agreement, is contingent upon
25 approval of the prospective lessee's credit by a sales finance company to whom the

1 prospective lessor intends to assign the consumer lease, if the prelease agreement
2 contains a provision requiring the prospective lessor to give the prospective lessee
3 written notice of ~~such the~~ cancellation within 10 business days of execution of the
4 prelease agreement and the notice is given to the prospective lessee.

5 **SECTION 263.** 218.01 (6x) (e) of the statutes, ~~as affected by 1997 Wisconsin Act~~
6 ~~48,~~ is renumbered 218.0144 (5).

7 **SECTION 264.** 218.01 (7) of the statutes is renumbered 218.0145 and amended
8 to read:

9 **218.0145 Prohibited acts.** (1) No manufacturer of ~~motor vehicles, no~~
10 wholesaler or distributor of ~~motor vehicles,~~ and no officer, agent or representative of
11 ~~either a manufacturer, wholesaler or distributor,~~ shall induce or coerce, or attempt
12 to induce or coerce, any retail motor vehicle dealer or prospective retail motor vehicle
13 dealer in this state to sell, assign or transfer any retail instalment sales contract,
14 obtained by ~~such the~~ dealer in connection with the sale by the dealer in this state of
15 motor vehicles manufactured or sold by ~~such the~~ manufacturer, wholesaler or
16 distributor, to a specified sales finance company or class of ~~such sales finance~~
17 companies, or to any other specified person, by any of the following acts or means
18 ~~hereinafter set forth, namely:~~

19 (a) By any express or implied statement, suggestion, promise or threat, made
20 directly or indirectly, that ~~such the~~ manufacturer, wholesaler or distributor will in
21 any manner benefit or injure ~~such the~~ dealer, ~~whether such statement, suggestion,~~
22 ~~threat or promise is express or implied, or made directly or indirectly.~~

23 (b) By any act that will benefit or injure ~~such the~~ dealer.

24 (c) By any contract, or any express or implied offer of contract, made directly
25 or indirectly to ~~such the~~ dealer, for handling ~~such motor vehicles~~ manufactured or

1 sold by the manufacturer, wholesaler or distributor, on the condition that such the
2 dealer sell, assign or transfer the dealer's retail instalment ~~contract thereon~~
3 contracts on motor vehicles manufactured or sold by the manufacturer, wholesaler
4 or distributor, in this state, to a specified sales finance company or class of such sales
5 finance companies, or to any other specified person.

6 (d) By any express or implied statement or representation, made directly or
7 indirectly, that such the dealer is under any obligation ~~whatsoever~~ to sell, assign or
8 transfer any of the dealer's retail sales contracts, in this state, on motor vehicles
9 manufactured or sold by such the manufacturer, wholesaler or distributor to such a
10 sales finance company, or class of sales finance companies, or other specified person,
11 because of any relationship or affiliation between such the manufacturer, wholesaler
12 or distributor and such the sales finance company or companies or such the specified
13 person or persons.

14 (2) Any such statements, threats, promises, acts, contracts or offers of
15 contracts, set forth in ~~par. (a)~~ [✓] sub. (1) [✓] are declared unfair trade practices and unfair
16 competition and against the policy of this state, are unlawful and are prohibited.

17 (3) No sales finance company, and no officer, agent or representative thereof
18 of a sales finance company, shall induce or coerce or attempt to induce or coerce any
19 retail motor vehicle dealer to transfer to such the sales finance company any of the
20 dealer's retail instalment sales contracts in this state, ~~of such dealer~~ on any motor
21 vehicle by any of the following acts or means, ~~namely~~:

22 (a) By any statement or representation, express or implied, made directly or
23 indirectly, that the manufacturer, wholesaler or distributor of such the motor
24 vehicles will grant such the dealer a franchise to handle such the manufacturer's.

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1 ~~wholesaler's or distributor's~~ motor vehicles if ~~such the~~ dealer shall ~~will~~ sell, assign
2 or transfer all or part of such retail sales contracts to such sales finance company.

3 (b) By any statement or representation, express or implied, made directly or
4 indirectly, that the manufacturer, wholesaler or distributor of ~~such motor vehicles~~
5 will in any manner benefit or injure ~~such the~~ dealer if ~~such the~~ dealer shall ~~does~~ or
6 ~~shall does~~ not sell, assign or transfer all or part of ~~such the dealer's~~ retail sales
7 contracts to ~~such the~~ sales finance company.

8 (c) By an express or implied statement or representation made directly or
9 indirectly, that there is an express or implied obligation on the part of ~~such the~~ dealer
10 to so sell, assign or transfer all or part of ~~such the dealer's~~ retail sales contracts on
11 ~~such the manufacturer's, wholesaler's or distributor's~~ motor vehicles to ~~such the~~
12 sales finance company because of any relationship or affiliation between ~~such the~~
13 sales finance company and the manufacturer, wholesaler or distributor of ~~such motor~~
14 ~~vehicles~~.

15 (4) Any ~~such statement~~ statements or representations set forth in ~~par. (c)~~ [✓] sub.
16 [✓] (3) are declared to be unfair trade practices ~~and~~, unfair competition and against the
17 policy of this state, and are unlawful and are prohibited.

18 (5) Any retail motor vehicle dealer who, pursuant to any inducement,
19 statement, promise or threat ~~hereinbefore~~ declared unlawful under this section,
20 shall sell, assign or transfer any or all of the dealer's retail instalment contracts shall
21 not be guilty of any unlawful act and may be compelled to testify to each such
22 unlawful act.

23 (6) No manufacturer shall directly or indirectly pay or give, or contract to pay
24 or give, anything of service or value to any sales finance company licensee in this
25 state, and no ~~such~~ sales finance company licensee in this state shall accept or receive

1 or contract or agree to accept or receive directly or indirectly any payment or thing
2 of service of or value from any manufacturer, if the effect of the payment or the giving
3 of ~~any such~~ the thing of service or value by the manufacturer, or the acceptance or
4 receipt ~~thereof~~ of the payment or thing of service or value by the sales finance
5 company licensee, may be to lessen or eliminate competition or tend to grant an
6 unfair trade advantage or create a monopoly in the sales finance company licensee
7 ~~who accepts or receives the payment, thing or service of value or contracts or agrees~~
8 ~~to accept or receive the same.~~

NOTE: Manufacturer, wholesaler and distributor are defined under s. 218.0101, as
renumbered by this bill, as manufacturer, wholesalers and distributors of motor vehicles.
Redundant and superfluous language is deleted.

9 **SECTION 265.** 218.01 (7a) of the statutes, ~~as affected by 1997 Wisconsin Act 27,~~
10 is renumbered 218.0146.

11 **SECTION 266.** 218.01 (7b) (title) of the statutes is renumbered 218.0147 (title).

12 **SECTION 267.** 218.01 (7b) of the statutes is renumbered 218.0147 (1) and
13 amended to read:

14 218.0147 (1) No minor ~~shall~~ may purchase or lease any motor vehicle unless
15 the minor, at the time of purchase or lease, submits to the seller or lessor a statement
16 verified before a person authorized to administer oaths and made and signed by
17 either parent of the purchaser or lessee, if ~~such~~ the signing parent has custody of the
18 minor or, if neither parent has custody, then by the person having custody, setting
19 forth that the purchaser or lessee has consent to purchase or lease the vehicle. The
20 signature on the statement shall not impute any liability for the purchase price of
21 the motor vehicle or for any payments under the consumer lease to the consenting
22 person. The statement shall not adversely affect any other arrangement for the

1 assumption of liability for the purchase price or any lease payments which the
2 consenting person may make.

3 (2) If a motor vehicle is purchased by a minor, the signed statement described
4 in sub. (1) shall accompany the application for a certificate of title and shall be filed
5 by the department of transportation with the application. Failure to obtain the
6 consent or to forward it, together with the application for a certificate of title in the
7 event of the purchase of a motor vehicle, shall not void the contract of sale or
8 consumer lease of a motor vehicle in the hands of an innocent holder, without notice,
9 for value and in the ordinary course of business.

10 (3) Any person who sells or leases a motor vehicle to a minor with knowledge
11 of ~~such~~ that fact without procuring ~~such a~~ the statement described in sub. (1) may
12 be fined not more than \$200 or imprisoned for not more than 6 months or both.

13 **SECTION 268.** 218.01 (7m) [✓](title) of the statutes is renumbered 218.01[✓]36 (title).

14 **SECTION 269.** 218.01 (7m) [✓](a) of the statutes is renumbered 218.01[✓]36 (1) and
15 amended to read:

16 218.0136 (1) A licensee may not file a complaint or petition with the division
17 of hearings and appeals or bring an action under ~~sub. (9)~~ [✓](a) s. 218.01[✓]63 (1), based
18 on an alleged violation of ~~this section~~ [✓]ss. 218.01[✓]01 to 218.01[✓]63 by any other licensee
19 or pursuant to ~~sub. (3) (f) or (fm), (3e) or (3x)~~ [✓]under s. 218.01[✓]16 (7) or (8), 218.01[✓]31
20 or 218.01[✓]34, unless the licensee serves a demand for mediation upon the other
21 licensee before or contemporaneous with the filing of the complaint or petition or the
22 bringing of the action. A demand for mediation shall be in writing and served upon
23 the other licensee by certified mail at an address designated for that licensee in the
24 licensor's records. The demand for mediation shall contain a brief statement of the
25 dispute and the relief sought by the licensee filing the demand.

1 **SECTION 270.** 218.01 (7m) (b) of the statutes is renumbered 218.0136 (2).

2 **SECTION 271.** 218.01 (7m) (c) of the statutes is renumbered 218.0136 (3) and
3 amended to read:

4 218.0136 (3) The service of a demand for mediation under ~~par. (a)~~ sub. (1) shall
5 stay the time for the filing of any complaint or petition with the division of hearings
6 and appeals or for bringing an action under ~~sub. (9) (a)~~ s. 218.0163 (1), based on an
7 alleged violation of ~~this section~~ ss. 218.0101 to 218.0163 by the other licensee or
8 pursuant to ~~sub. (3) (f) or (fm), (3e) or (3x)~~ under s. 218.0116 (7) or (8), 218.0131 or
9 218.0134, until the representatives of both licensees have met with a mutually
10 selected mediator for the purpose of attempting to resolve the dispute. If a complaint
11 or petition is filed before the meeting, the division of hearings and appeals or the
12 court shall enter an order suspending the proceeding or action until the meeting has
13 occurred and may, upon the written stipulation of all parties to the proceeding or
14 action that they wish to continue to mediate under this ~~subsection~~ section, enter an
15 order suspending the proceeding or action for as long a period as the division of
16 hearings and appeals or court considers to be appropriate. A suspension order issued
17 under this ~~paragraph~~ subsection may be revoked upon motion of any party or upon
18 motion of the division of hearings and appeals or the court.

19 **SECTION 272.** 218.01 (7m) (d) of the statutes is renumbered 218.0136 (4) and
20 amended to read:

21 218.0136 (4) The licensor shall encourage licenscees under this ~~subsection~~
22 section to establish, maintain and administer a panel of mediators who have the
23 character, ability and training to serve as mediators and who have knowledge of the
24 motor vehicle industry.

1 **SECTION 273.** 218.01 (7r) of the statutes is renumbered 218.0137 and amended
2 to read:

3 **218.0137 Arbitration of disputes between licensees.** A manufacturer,
4 importer or distributor and a dealer may agree to submit a dispute arising under a
5 franchise agreement or under ~~this section~~ ss. 218.0101 to 218.0163 to binding
6 arbitration. Unless agreed otherwise in an agreement that complies with subs. (2)
7 ~~(bm) 2. and (3) (a) 36. d.~~ ss. 218.0114 (9) (b) and 218.0116 (1) (qm) 4., any arbitration
8 proceeding shall be voluntary, initiated by serving a written demand for arbitration
9 on the other party, and shall be conducted under the provisions of the state of
10 Wisconsin arbitration plan administered by representatives of the licensees.

11 **SECTION 274.** 218.01 (7t) of the statutes is renumbered 218.0138 and amended
12 to read:

13 **218.0138 Immunity and presumption of good faith.** A mediator or
14 arbitrator is immune from civil liability for any good faith act or omission within the
15 scope of the mediator's or arbitrator's performance of his or her powers and duties
16 under sub. ~~(7m)~~ s. 218.0136 or the arbitration plan referred to in sub. ~~(7r)~~ s. 218.0137.
17 Every act or omission of a mediator or arbitrator is presumed to be a good faith act
18 or omission. This presumption may be overcome only by clear and convincing
19 evidence.

20 **SECTION 275.** 218.01 (8) of the statutes is renumbered 218.0161 and amended
21 to read:

22 **218.0161 Penalties.** Except for sub. (3) (a) 1., 3., 6., 7., 11., 12., 13., 20., 25.,
23 29. and 30. s. 218.0116 (1) (a), (b), (cm), (d), (f), (fm), (g), (jm), (m), (o) and (om), any
24 person violating ~~this section~~ ss. 218.0101 to 218.0163 may be required to forfeit not
25 less than \$25 nor more than \$500 for each violation.

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3m ke

and 2. 218.0114 (1), 219.0114 (1), 218.0117 (1)
(7b) s. 218.0114 (1), 219.0114 (1), 218.0117 (1)
(plain comma)
score

1 **SECTION 276.** 218.01 (8m) of the statutes is renumbered 218.0162 and amended
2 to read:

3 **218.0162 Commencement of action.** Upon the request of the licensor, the
4 department of justice or the district attorney may commence an action in the name
5 of the state to recover a forfeiture under ~~sub. (8)~~ s. 218.0161. An action under ~~sub.~~
6 ~~(8)~~ s. 218.0161 shall be commenced within 3 years after the occurrence of the
7 unlawful act or practice which is the subject of the action.

8 **SECTION 277.** 218.01 (9) of the statutes is renumbered 218.0163 and amended
9 to read:

10 **218.0163 Civil damages. (1)** Without exhausting any administrative remedy
11 available under an agreement or this ~~section ss. 218.0101 to 218.0163~~, except as
12 provided in ~~sub. (3) (f) and (fm)~~ s. 218.0116 (7) and (8), a licensee may recover
13 damages in a court of competent jurisdiction for pecuniary loss, together with actual
14 costs including a reasonable attorney fee fees, if the pecuniary loss is caused by any
15 of the following:

16 (a) A violation by any other licensee of ~~sub. (3) (a) 4., 11., 15., 16., 17., 22., 23.,~~
17 ~~24., 26., 32., 35., 36., 37., 38., 39., 40., 41. or 43.~~ s. 218.0116 (1) (bm), (f), (h), (hm), (i),
18 (km), (L), (Lm), (mm), (pm), (q), (qm), (r), (rm), (s), (sm), (t) or (u).

19 (b) Any unfair practice found by a licensor or the division of hearings and
20 appeals under ~~sub. (5) (a)~~ s. 218.0152 (1).

21 **(1m)** If a court finds that a violation or practice described in ~~par. (a) 1. or 2. sub.~~
22 (1) (a) or (b) is wilful, a licensee shall recover damages in an amount equal to 3 times
23 the pecuniary loss, together with actual costs including reasonable attorney fees.

24 **(2)** Any retail buyer, lessee or prospective lessee suffering pecuniary loss
25 because of a violation by a licensee of ~~sub. (3) (a) 4., 5., 6., 8., 9., 10., 11., 18., 25. or~~

1 ~~31.~~ [✓] s. 218.0116 (1) ([✓]bm), ([✓]c), ([✓]cm), ([✓]dm), ([✓]e), ([✓]em), ([✓]f), ([✓]im), ([✓]m) or ([✓]p) may recover
2 damages for the loss in any court of competent jurisdiction together with costs,
3 including reasonable attorney fees.

4 **SECTION 278.** 218.0116 [✓](1) (i) 1. of the statutes is created to read:

5 218.0116 (1) (i) 1. (intro.) In this paragraph:

6 a. "Due regard to the equities" means treatment in enforcing an agreement that
7 is fair and equitable to a motor vehicle dealer or distributor and that is not
8 discriminatory compared to similarly situated dealers or distributors, and "just" ^{plain period}

9 b. "Just provocation" means a material breach by a motor vehicle dealer or
10 distributor, due to matters within the dealer's or distributor's control, of a reasonable
11 and necessary provision of an agreement and the breach is not cured within a
12 reasonable time after written notice of the breach has been received from the
13 manufacturer, importer or distributor.

→ NOTE: Recreates definitions previously contained in s. 218.01 (3) (a) ¹⁷~~16~~, for proper placement consistent with current style.

14 **SECTION 279.** 218.0116 (1) [✓](^(im)1) 1. of the statutes is created to read:

15 218.0116 (^(im)1) ^(im)1. In this paragraph, "bushing" means:

16 a. With respect to an order or contract of purchase, the practice of increasing
17 the selling price of a motor vehicle above that originally quoted the purchaser as
18 evidenced by a purchase order or contract which has been signed by both the
19 purchaser and dealer licensee.

20 b. With respect to a consumer lease or prelease agreement, the practice of
21 increasing the gross capitalized cost above that originally quoted the lessee or
22 prospective lessee as evidenced by a consumer lease or prelease agreement which has
23 been signed by both the lessee or prospective lessee and the dealer licensee.

✓

NOTE: Recreates a definition previously contained in s. 218.01 (3) (a) 18., for proper placement consistent with current style. The former text referred to "this section", the only occurrence of the term "bushing" is in this statutory subunit. As a result, "section" is replaced by "paragraph".

✓

1 **SECTION 280.** 218.0116 (7) (d) 1d. of the statutes is created to read:

2 218.0116 (7) (d) 1d. "Closed" means the effective date of the termination or
3 expiration of a dealership's or outlet's license or franchise, whichever is earlier.

✓

NOTE: Recreates a definition previously contained in s. 218.01 (3) (f) 4. a., for proper placement consistent with current style.

✓

4 **SECTION 281.** 218.015 of the statutes is renumbered 218.0171, and 218.0171

5 (1) (c) and (e), as renumbered, are amended to read:

6 218.0171 (1) (c) "Manufacturer" means a manufacturer as defined in s. 218.01
7 ~~(1) (L)~~ 218.0101 (20) and agents of the manufacturer, including an importer, a
8 distributor, factory branch, distributor branch and any warrantors of the
9 manufacturer's motor vehicles, but not including a motor vehicle dealer.

✓

10 (e) "Motor vehicle dealer" has the meaning given under s. ~~218.01 (1) (n)~~
11 218.0101 (23) (a).

✓

12 **SECTION 282.** 218.017 of the statutes is renumbered 218.0172, and 218.0172
13 (1) (b), (c), (d) and (e), as renumbered, are amended to read:

✓

14 218.0172 (1) (b) "Consumer" has the meaning given in s. ~~218.015~~ 218.0171 (1)
15 (b).

✓

16 (c) "Manufacturer" has the meaning given in s. ~~218.015~~ 218.0171 (1) (c).

✓

17 (d) "Motor vehicle" has the meaning given in s. ~~218.015~~ 218.0171 (1) (d).

✓

18 (e) "Motor vehicle dealer" means a motor vehicle dealer, as defined in s. ~~218.01~~
19 ~~(1) (n)~~ 218.0101 (23) (a), that sells new motor vehicles.

✓

20 **SECTION 283.** 218.12 (5) of the statutes is amended to read:

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1 218.12 (5) The provision of s. ~~218.01 (3)~~ [✓] 218.0116 relating to the denial,
2 suspension and revocation of a motor vehicle salesperson's license shall apply to the
3 denial, suspension and revocation of a ~~mobile home salesperson's~~ license so far as
4 applicable, ^{except that such the provision does not apply to the} ~~denial, suspension or revocation of a license~~ under ^{sub.} ~~(3m)~~ ^(3m)

5 **SECTION 284.** 218.12 (6) of the statutes is amended to read:

6 218.12 (6) The provisions of [✓] s. ~~218.01 (3)~~ [✓] (g) and (5) [✓] ss. ~~218.0116 (9)~~ [✓] and
7 218.0152 shall apply to this section, mobile home sales practices and the regulation
8 of travel trailer or mobile home salespersons, as far as applicable.

9 **SECTION 285.** 218.205 (2) (a) of the statutes is amended to read:

10 218.205 (2) (a) Motor vehicle dealers licensed under s. ~~218.01 (2)~~ [✓] 218.0114 who
11 remove, but do not sell, as such, parts of motor vehicles prior to sale of such vehicles
12 to motor vehicle salvage dealers or scrap metal processors.

13 **SECTION 286.** 218.21 [✓] (1m) of the statutes is amended to read:

14 218.21 (1m) The department may not require information relating to the
15 applicant's solvency or financial standing if the applicant provides a bond in the
16 amount provided in sub. (4) and under conditions specified in s. ~~218.01 (2) (h) 2.~~ [✓]
17 218.0114 (20) (b).

18 **SECTION 287.** 218.21 [✓] (4) (a) of the statutes is amended to read:

19 218.21 (4) (a) Unless the applicant furnishes a bond, or other adequate
20 collateral as security, of not less than \$25,000 under conditions provided by s. ~~218.01~~ [✓]
21 ~~(2) (h) 2.~~ 218.0114 (20) (b). every application shall be accompanied by a current
22 financial statement to determine the applicant's solvency as required under sub. (1).
23 Except as provided in par. (b), this paragraph does not apply to the application of a
24 scrap metal processor.

25 **SECTION 288.** 218.21 [✓] (6) of the statutes is amended to read:

1 218.21 (6) A bond may be required under conditions as provided by s. 218.01
2 ~~(2) (h) 2. 218.0114 (20) (b).~~

3 **SECTION 289.** 218.22 (1) (intro.) of the statutes is amended to read:

4 218.22 (1) (intro.) The department shall issue a license to the applicant for a
5 motor vehicle salvage dealer's license upon the receipt of a properly completed
6 application form accompanied by the fee required under sub. (2) (c) or (d), upon being
7 satisfied that the applicant is financially solvent or that the applicant has furnished
8 a bond, or other adequate collateral as security, of not less than \$25,000 under
9 conditions provided by s. 218.01 (2) (h) 2. 218.0114 (20) (b), and of good character and:

10 **SECTION 290.** 218.22 (3) (m) of the statutes is amended to read:

11 218.22 (3) (m) Having sold a retail instalment contract to a sales finance
12 company not licensed under s. 218.01 ss. 218.0101 to 218.0163.

13 **SECTION 291.** 218.22 (5) of the statutes is amended to read:

14 218.22 (5) No salvage dealer licensed under ss. 218.205 to 218.23 shall be
15 licensed as a dealer under s. 218.01 (2) 218.0114 at his or her salvage dealer location,
16 provided that nothing herein shall prohibit licensing and transacting of both
17 businesses at the same location where the salvage operations are physically
18 separated.

19 **SECTION 292.** 218.40 (3) of the statutes is amended to read:

20 218.40 (3) "Moped dealer" means any person, firm or corporation, who is
21 engaged wholly or in part in the business of selling mopeds. ~~Provided, however,~~
22 ~~except~~ that a person, firm or corporation who is also a motor vehicle dealer under s.
23 218.01 ss. 218.0101 to 218.0163 shall be governed and regulated by the provisions
24 of s. 218.01 ss. 218.0101 to 218.0163 and not this section.

25 **SECTION 293.** 218.505 of the statutes is amended to read:

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1 **218.505 Salvage pools to be licensed as wholesalers.** No motor vehicle
2 salvage pool may engage in business as such unless licensed as a wholesaler under
3 s. ~~218.01~~ [✓] ss. 218.0101 to 218.0163.

4 **SECTION 294.** 220.285 [✓] (1) of the statutes is amended to read:

5 220.285 (1) Any state bank, trust company bank, licensee under s. ss. 138.09,
6 138.12, ~~218.01~~ [✓] 218.0101 to 218.0163, 218.02, 218.04 or 218.05 or ch. 217 ^{or credit}

7 ~~which~~ may cause any or all records kept by such bank licensee ^{or credit union} ~~or credit union~~ to be

8 recorded, copied or reproduced by any photostatic, photographic or miniature

9 photographic process or by optical imaging if the process employed correctly,

10 accurately and permanently copies, reproduces or forms a medium for copying,

11 reproducing or recording the original record on a film or other durable material. A

12 bank licensee ^{or credit union} ~~or credit union~~ may thereafter dispose of the original record after first

13 obtaining the written consent of the division. This section, excepting that part of it

14 which requires written consent of the division, is applicable to national banking

15 associations insofar as it does not contravene federal law.

16 **SECTION 295.** 227.43 [✓] (1) (bg) of the statutes is amended to read:

17 227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review
18 under ss. 84.30 (18), 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16 (5), 86.195 (9) (b), 86.32

19 (1), 114.134 (4) (b), 114.135 (9), 114.20 (19), 175.05 (4) (b), 194.145 (1), 194.46, ~~218.01~~

20 ~~(2) (bd) 2. and (e) 2., (3) (b), (e), (f) 1., (fm) 1. and (h) and (3e) (d) 218.0114 (7) (d) and~~

21 ~~(12) (b), 218.0116 (2), (4), (7) (a), (8) (a) and (10), 218.0131 (3), 218.11 (7) (a) and (b),~~

22 218.22 (4) (a) and (b), 218.32 (4) (a) and (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09

23 (2m) (d), 342.26, 343.69 and 348.25 (9).

24 **SECTION 296.** 340.01 [✓] (11) (d) of the statutes is amended to read:

1 340.01 (11) (d) A finance company licensed under ~~s. ss. 138.09~~ or ~~218.01~~
2 ~~218.0101~~ to ~~218.0163~~ who sells or offers for sale motor vehicles repossessed or
3 foreclosed by it under the terms of a security contract.

4 **SECTION 297.** 340.01 (28e) of the statutes is amended to read:

5 340.01 (28e) "Manufacturers buyback vehicle" means a motor vehicle
6 repurchased by its manufacturer, or by an authorized distributor or dealer with
7 compensation from the manufacturer, because of a nonconformity that was not
8 corrected after a reasonable attempt to repair the nonconformity under s. ~~218.015~~
9 ~~218.0171~~ or under a similar law of another state.

10 **SECTION 298.** 340.01 (35e) of the statutes is amended to read:

11 340.01 (35e) "Motor vehicle dealer" has the meaning given in s. ~~218.01 (1) (n)~~
12 ~~218.0101~~ (23) (a).

13 **SECTION 299.** 340.01 (74t) of the statutes is amended to read:

14 340.01 (74t) "Wholesaler" has the meaning given in s. ~~218.01 (1) (e)~~ ~~218.0101~~
15 (6).

16 **SECTION 300.** 341.51 (6) of the statutes is amended to read:

17 341.51 (6) A person licensed under ~~s. 218.01~~ ~~ss. 218.0101~~ to ~~218.0163~~ or 218.41
18 as a dealer, distributor or manufacturer of only mopeds may, but need not, apply for
19 registration under this section.

20 **SECTION 301.** 341.57 (1) of the statutes is amended to read:

21 341.57 (1) Any motor vehicle owned or being repossessed by a finance company
22 licensed under ~~s. ss. 138.09~~ or ~~218.01~~ ~~218.0101~~ to ~~218.0163~~, by a credit union licensed
23 under ch. 186, by a savings bank organized under ch. 214, by a savings and loan
24 association organized under ch. 215 or by a state bank or a national bank with offices
25 in this state, may be operated on the highways of this state for any necessary purpose

1 in repossessing, reconditioning or reselling such vehicle without such vehicle being
2 registered if the vehicle has displayed upon it a valid registration plate issued to such
3 licensee pursuant to this section.

4 **SECTION 302.** 341.57[✓] (2) of the statutes is amended to read:

5 341.57 (2) A finance company licensed under s. ~~ss.~~[✓] 138.09 or ~~218.01~~[✓] 218.0101
6 to 218.0163, a credit union licensed under ch. 186, a savings bank organized under
7 ch. 214, a savings and loan association organized under ch. 215 or a state bank or a
8 national bank with offices in this state may apply to the department for registration
9 on such form as the department provides. Upon receipt of the application together
10 with a registration fee of \$75, the department shall register the applicant and shall
11 issue one registration plate containing the registration number assigned to the
12 applicant. The department, upon receiving a fee of \$5 for each additional plate
13 desired by the applicant, shall issue additional plates as the applicant orders.
14 Section 341.52 applies to the design of the plates. The registration and plates are
15 valid only during the calendar year for which issued. A plate is transferable from one
16 motor vehicle to another. The department may charge a fee of \$2 per plate for
17 replacing lost, damaged or illegible plates issued under this subsection.

18 **SECTION 303.** 342.12[✓] (3) (a) of the statutes is amended to read:

19 342.12 (3) (a) The applicant is a dealer licensed under s. ~~218.01~~[✓] ss. 218.0101
20 to 218.0163 or 218.11 and is financially responsible as substantiated by the last
21 financial statement on file with the licensor, a finance company licensed under s. ~~ss.~~[✓]
22 138.09 or ~~218.01~~[✓] 218.0101 to 218.0163, a bank organized under the laws of this state,
23 or a national bank located in this state; or

24 **SECTION 304.** 342.18[✓] (4) (a) of the statutes is amended to read:

1 342.18 (4) (a) Whenever application therefor accompanied by the required fee
2 is made by a finance company licensed under s. ~~ss.~~ [✓] 138.09 or ~~218.01~~ [✓] 218.0101 to
3 218.0163, a bank organized under the laws of this state, or a national bank located
4 in this state, and the vehicle in question is a used vehicle for which the department
5 had issued a certificate of title to the previous owner or a vehicle previously
6 registered in another jurisdiction or is a mobile home.

7 [✓]
SECTION 305. 344.572 (2) of the statutes is amended to read:

8 344.572 (2) Sections 344.574, 344.576 and 344.578 do not apply to a rental
9 agreement under which a person rents from a motor vehicle dealer licensed under
10 s. ~~218.01~~ [✓] ss. 218.0101 to 218.0163 a private passenger vehicle owned by the dealer
11 if the private passenger vehicle is rented only for use while a vehicle owned or leased
12 by the person or which the person has agreed to purchase is being serviced, repaired,
13 manufactured or delivered.

14 [✓]
SECTION 306. 345.11 (1g) of the statutes is amended to read:

15 345.11 (1g) The uniform traffic citation may be used for violations of s. 218.01
16 (2) (a) 218.0114 (1). The report of conviction shall be forwarded to the department.

17 [✓]
SECTION 307. 345.11 (5) of the statutes is amended to read:

18 345.11 (5) Notwithstanding any other provision of the statutes, the use of the
19 uniform traffic citation promulgated under sub. (4) by any peace officer in connection
20 with the enforcement of any state traffic laws, any local traffic ordinances in strict
21 conformity with the state traffic laws or s. ~~218.01 (2) (a)~~ 218.0114 (1) shall be deemed
22 adequate process to give the appropriate court jurisdiction over the person upon the
23 filing with or transmitting to the court of the uniform traffic citation.

24 [✓]
SECTION 308. 422.201 (3) of the statutes is amended to read:

1 422.201 (3) For licensees under s. 138.09 and under s. ~~218.01~~ [✓] ss. 218.0101 to
2 218.0163, the finance charge, calculated according to those sections, may not exceed
3 the maximums permitted in [✓] ss. 138.09 and ~~218.01~~ [✓] 218.0101 to [✓] 218.0163,
4 respectively.

5 [✓]
6 **SECTION 309.** 422.202 (3) (c) of the statutes is amended to read:

7 422.202 (3) (c) A merchant may not, in the same transaction, be subject to the
8 penalty in s. 138.09 (9) (b), ~~218.01~~ [✓] (8) [✓] 218.0161 or 425.305 and the penalty in s.
9 425.304, based on the assessment of the same additional charges.

10 [✓]
11 **SECTION 310.** 425.301 (4) of the statutes is amended to read:

12 425.301 (4) The liability of a merchant under chs. 421 to 427 is in lieu of and
13 not in addition to any liability under the federal consumer credit protection act and
14 s. [✓] ss. 138.09 or ~~218.01~~ [✓] 218.0101 to 218.0163. An action by a person alleging a
15 violation under chs. 421 to 427 may not be maintained if a final judgment has been
16 rendered for or against that person with respect to the same violation under the
17 federal consumer credit protection act or s. ss. 138.09 or ~~218.01~~ 218.0101 to 218.0163.
18 If a final judgment is entered against any merchant under chs. 421 to 427 and the
19 federal consumer credit protection act or s. ss. 138.09 or ~~218.01~~ 218.0101 to 218.0163
20 for the same violation, the merchant has a cause of action for appropriate relief to
21 the extent necessary to avoid double liability.

22 [✓]
23 **SECTION 311.** 429.102 (1) of the statutes is amended to read:

24 429.102 (1) To the extent that s. ~~218.01~~ [✓] ss. 218.0101 to 218.0163 and chs. 411
25 and 421 to 427 are inconsistent with this chapter, the provisions of this chapter shall
26 apply.

27 [✓]
28 **SECTION 312.** 429.102 (2) of the statutes is amended to read:

1 429.102 (2) Unless superseded by the particular provisions of this chapter,
2 parties to a motor vehicle consumer lease have all of the obligations, duties, rights
3 and remedies provided in ~~s. 218.01~~[✓] ss. 218.0101[✓] to 218.0163 and chs. 411 and 421 to
4 427 that apply to the transaction.

5 **SECTION 313.** 429.104 (13m) of the statutes, ~~as affected by 1997 Wisconsin Act~~
6 ~~142~~[✓] is amended to read:

7 429.104 (13m) "Gross capitalized cost" means the sum of all amounts
8 capitalized in the consumer lease that, after subtracting the capitalized cost
9 reduction, amortizes to the residual value by the depreciation portion of the periodic
10 lease payments over the scheduled term of the lease or, for a single-payment lease,
11 the single payment. These amounts may include taxes; fees for registration, license,
12 acquisition, administration and assignment; other fees; charges for insurance,
13 service contracts and extended warranties; and charges for a waiver of the
14 contractual obligation to pay the gap amount, for accessories and their installation,
15 for other services and benefits incidental to the consumer lease, and for delivering,
16 servicing, repairing or improving the vehicle. With respect to a vehicle or other
17 property traded in connection with a consumer lease, the term may include the
18 outstanding unpaid balance of the amount financed under a consumer loan, as
19 defined in s. 421.301 (12), or a retail instalment contract, as defined in s. ~~218.01~~[✓] (1)
20 ~~(t)~~ 218.0101[✓] (32), or the unpaid balance of any early termination costs under a lease
21 or other obligation of the lessee. The term does not include any rent charge.

22 **SECTION 314.** 429.104 [✓](19) of the statutes is amended to read:

23 429.104 (19) "Motor vehicle" has the meaning given in s. ~~218.01~~[✓] (1) ~~(m)~~
24 218.0101 (22).

25 **SECTION 315.** 429.104 [✓](21) of the statutes is amended to read:

1 429.104 (21) "Prospective lessee" means a natural person who enters into a
2 prelease agreement under s. ~~218.01 (6x)~~ [✓]218.0144 with a prospective lessor, or who
3 otherwise intends to become a lessee.

4 **SECTION 316.** 429.104^X (21m) of the statutes is amended to read:

5 429.104 (21m) "Prospective lessor" means a person regularly engaged in the
6 business of leasing or selling vehicles who enters into a prelease agreement under
7 s. ~~218.01 (6x)~~ [✓]218.0144 with a prospective lessee, or who otherwise intends to become
8 a lessor.

9 **SECTION 317.** 429.301^X (2) of the statutes is amended to read:

10 429.301 (2) If a party to a consumer lease recovers damages or penalties under
11 this chapter for an act or omission, the party may not recover any damages or
12 penalties for the same act or omission under s. ~~218.01~~ [✓]ss. ~~218.0101~~ [✓]to ~~218.0163~~ [✓] or chs.
13 411 and 421 to 427.

14 **SECTION 318.** 553.235^X (2) (a) of the statutes is amended to read:

15 553.235 (2) (a) The exemption under sub. (1) is not available for the sale of a
16 franchise in which the franchisee would be a motor vehicle dealer or a motor vehicle
17 distributor or wholesaler, as defined in s. ~~218.01 (1)~~ [✓]218.0101.

18 **SECTION 319.** 779.85^X (3) of the statutes is amended to read:

19 779.85 (3) "Goods" has the meaning set forth in s. 402.105 (1) (c) except that
20 this term does not include a "motor vehicle" as defined in s. ~~218.01 (1) (m)~~ [✓]218.0101
21 (22).

22 ~~**SECTION 320. Effective dates.** This act takes effect on the day after~~
23 ~~publication, except as follows:~~

✓
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1 ~~(1) The treatment of section 218.01 (7a) of the statutes takes effect on January~~

2 ~~1, 1999.~~

3 (END)

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1 INSERT 13-1:

2 **SECTION 1.** 49.857 (1) (d) 12. of the statutes is amended to read:

3 49.857 (1) (d) 12. A license or certificate of registration issued under ~~s.~~ ^{ss.} 138.09,
4 138.12, 217.06, ~~218.01~~ [✓] 218.0101 to 218.0163, 218.02, 218.04, 218.05 or 224.72 or
5 subch. III of ch. 551.

6 History: 1997 a. 191.

6 **SECTION 2.** 49.857 (1) (d) 15. of the statutes is amended to read:

7 49.857 (1) (d) 15. A license, permit or registration issued under ~~s.~~ ^{ss.} 218.01
8 218.0101 to 218.0163, 218.11, 218.12, 218.22, 218.32, 218.41, 218.51, 341.51, 343.305
9 (6), 343.61 or 343.62.

10 History: 1997 a. 191.

10 **SECTION 3.** 73.0301 (1) (d) 6. of the statutes is amended to read:

11 73.0301 (1) (d) 6. A license or certificate of registration issued by the
12 department of financial institutions, or a division of it, under ~~s.~~ ^{ss.} 138.09, 138.12,
13 217.06, ~~218.01~~ [✓] 218.0101 to 218.0163, 218.02, 218.04, 218.05 or 224.72 or under
14 subch. III of ch. 551.

15 History: 1997 a. 237 ss. 301, 307, 532.

15 **SECTION 4.** 73.0301 (1) (d) 7. of the statutes is amended to read:

16 73.0301 (1) (d) 7. A license described in s. ~~218.01 (2) (d) 1. and 8.~~ [✓] 218.0114 (14)
17 (a) and (g), a license described in s. ~~218.01 (2) (d) 2., 3. or 5.~~ [✓] 218.0114 (14) (b), (c) or
18 (e), a license issued under s. 218.11, 218.12, 218.22, 218.32, 218.41, 343.61 or 343.62,
19 a buyer identification card issued under s. 218.51 or a certificate of registration
20 issued under s. 341.51.

History: 1997 a. 237 ss. 301, 307, 532.

(END OF INSERT)

INSERT 21-18:

SECTION 5. 218.01 (2) (a) of the statutes is renumbered 218.0114 (1) and amended to read:

218.0114 (1) No motor vehicle dealer, motor vehicle salesperson or sales finance company shall ~~may~~ engage in business as ~~such a motor vehicle dealer, motor vehicle salesperson or sales finance company~~ in this state without a license therefor as provided in ~~this section~~ ss. 218.0101 to 218.0163. If any motor vehicle dealer acts as a motor vehicle salesperson, he or she shall secure a motor vehicle salesperson's license in addition to a license for motor vehicle dealer license. Every motor vehicle dealer shall be responsible for the licensing of every motor vehicle salesperson in his or her employ. Any person violating this ~~paragraph~~ subsection may be fined not less than \$500 nor more than \$5,000.

History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.

(END OF INSERT)

INSERT 34-5:

SECTION 6. 218.01 (2) (h) 3. of the statutes is renumbered 218.0114 (20) (c) and amended to read:

218.0114 (20) (c) An applicant or licensee furnishing information under subd. 1. par. (a) may designate the information as a trade secret, as defined in s. 134.90 (1) (c), or as confidential business information. The licensor shall notify the applicant or licensee providing the information 15 days before any information designated as

1 a trade secret or as confidential business information is disclosed to the legislature,
2 a state agency, as defined in s. 13.62 (2), a local governmental unit, as defined in s.
3 605.01 (1), or any other person. The applicant or licensee furnishing the information
4 may seek a court order limiting or prohibiting the disclosure. ~~In such cases,~~ the court
5 shall weigh the need for confidentiality of the information against the public interest
6 in the disclosure. A designation under this ~~subdivision~~ paragraph does not prohibit
7 the disclosure of a person's name or address, of the name or address of a person's
8 employer or of financial information that relates to a person when requested under
9 s. 49.22 (2m) by the department of workforce development or a county child support
10 agency under s. 59.53 (5).

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in which case

History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.

(END OF INSERT)

11 **INSERT 34-20:**

12 **SECTION 7.** 218.01 (2) (ie) of the statutes is renumbered 218.0114 (21e) and
13 amended to read:

14 218.0114 (21e) (a) In addition to any other information required under this
15 ~~subsection~~ section, an application by an individual for the issuance or renewal of a
16 license described in ~~par. (d)~~ sub. (14) shall include the individual's social security
17 number and an application by a person who is not an individual for the issuance or
18 renewal of a license described in ~~par. (d) 1, 2, 3, or 5.~~ sub. (14) (a), (b), (c) or (e) shall
19 include the person's federal employer identification number. The licensor may not
20 disclose any information received under this ~~subdivision~~ paragraph to any person

1 except the department of ~~industry, labor and job development~~ workforce
2 development for purposes of administering s. 49.22 or the department of revenue for
3 the sole purpose of requesting certifications under s. 73.0301.

4 (b) The licensor shall deny an application for the issuance or renewal of a
5 license if the information required under ~~subd. 1.~~ [✓] par. (a) [✓] is not included in the
6 application.

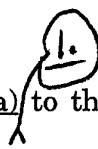
History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.

7 **SECTION 8.** 218.01 (2) (ig) of the statutes is renumbered 218.0114 (21g), and
8 218.0114 (21g) (a) (~~intro.~~) [✓] and (~~b~~) [✓], as renumbered, are amended to read:

9 218.0114 (21g) (a) (intro.) In addition to any other information required under
10 this ~~subsection~~ [✓] section [✓], an application for a license described in ~~par. (d)~~ [✓] sub. (16) [✓]
11 shall include the following:

12 (b) The licensor may not disclose any information received under ~~subd. 1.~~ [✓] par. [✓]
13 (a) to any person except as follows:

14 1. The licensor may disclose information under ~~subd. 1.~~ [✓] par. (a) [✓] to the
15 department of revenue for the sole purpose of requesting certifications under s.
16 73.0301.

17 ^{2.} ~~The licensor may disclose information under subd. 1. a.~~ [✓] par. (a) [✓] to the 
18 department of ~~industry, labor and job development~~ workforce development in
19 accordance with a memorandum of understanding under s. 49.857.

History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.

(END OF INSERT)

1 **INSERT 51-5:**

2 **SECTION 9.** 218.01 (3) (ag) of the statutes is renumbered 218.0116 (1g) and
3 amended to read:

4 218.0116 (1g) (a) A license described in sub. ~~(2)~~ [✓] (d) s. 218.0114 (14) [✓] shall be
5 denied, restricted, limited or suspended if the applicant or licensee is an individual
6 who fails to comply, after appropriate notice, with a subpoena or warrant issued by
7 the department of workforce development or a county child support agency under s.
8 59.53 (5) and related to paternity or child support proceedings or who is delinquent
9 in making court-ordered payments of child or family support, maintenance, birth
10 expenses, medical expenses or other expenses related to the support of a child or
11 former spouse, as provided in a memorandum of understanding entered into under
12 s. 49.857.

13 (b) A license described in par. ~~(d) 1., 2., 3. or 5.~~ [✓] s. 218.0114 (14) (a), (b), (c) or (e)
14 shall be suspended or revoked if the department of revenue certifies under s. 73.0301
15 that the applicant or licensee is liable for delinquent taxes.

16 (c) No provision of ~~this section~~ [✓] ss. 218.0101 to 218.0163 that entitles an
17 applicant or licensee to a notice or hearing applies to a denial, restriction, limitation,
18 suspension or revocation of a license under ~~this paragraph~~ subsection.

History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.

19 **SECTION 10.** 218.01 (3) (am) of the statutes is renumbered 218.0116 (1m) and
20 amended to read:

21 218.0116 (1m) (a) A license described in sub. ~~(2)~~ [✓] (dr) s. 218.0114 (16) [✓] shall be
22 denied if any of the ~~follow~~ [✓] following [✓] applies:

1 1. The applicant fails to provide the information required under sub. ~~(2) (ig)~~ [✓] 1.
2 s. 218.0114 (21g) (a).

3 2. The department of revenue certifies under s. 73.0301 that the applicant is
4 liable for delinquent taxes. An applicant whose license is denied under this ~~subd. 1.~~ [✓]
5 ~~b. subdivision~~ [✓] for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1.
6 b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or
7 hearing under this ~~subsection~~ [✓] section [✓].

8 3. The applicant is an individual who fails to comply, after appropriate notice,
9 with a subpoena or warrant issued by the department of workforce development or
10 a county child support agency under s. 59.53 (5) and related to paternity or child
11 support proceedings or who is delinquent in making court-ordered payments of child
12 or family support, maintenance, birth expenses, medical expenses or other expenses
13 related to the support of a child or former spouse, as provided in a memorandum of
14 understanding entered into under s. 49.857. An applicant whose application is
15 denied under this ~~subd. 1. c.~~ [✓] subdivision [✓] is entitled to a notice and hearing under s.
16 49.857 but is not entitled to any other notice or hearing under ~~this section ss.~~
17 218.0101 to 218.0163. [✓]

18 (b) A license described in ~~sub. (2) (dr)~~ [✓] s. 218.0114 (16) [✓] shall be restricted or
19 suspended if the licensee is an individual who fails to comply, after appropriate
20 notice, with a subpoena or warrant issued by the department of workforce
21 development or a county child support agency under s. 59.53 (5) and related to
22 paternity or child support proceedings or who is delinquent in making court-ordered
23 payments of child or family support, maintenance, birth expenses, medical expenses
24 or other expenses related to the support of a child or former spouse, as provided in
25 a memorandum of understanding entered into under s. 49.857. A licensee whose

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1 license is restricted or suspended under this ~~subdivision~~ paragraph is entitled to a
2 notice and hearing under s. 49.857 but is not entitled to any other notice or hearing
3 under ~~this section~~ ss. 218.0101 to 218.0163.

4 (c) A license described in ~~sub. (2) (dr)~~ s. 218.0114 (16) shall be revoked if the
5 department of revenue certifies under s. 73.0301 that the licensee is liable for
6 delinquent taxes. A licensee whose license is revoked under this ~~subdivision~~
7 paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and
8 hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing
9 under this ~~subsection~~ section.

History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.

(END OF INSERT)

10 **INSERT 77-19:**

11 **SECTION 11.** 218.01 (5m) (a) of the statutes is renumbered 218.0141 and
12 amended to read:

13 **218.0141** No contract for the sale of a motor vehicle shall contain a clause
14 which, upon nonacceptance of the vehicle by the buyer, would subject the buyer to
15 a penalty greater than 5 ~~per cent~~ percent of the cash price of the vehicle.

History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.

(END OF INSERT)

16 **INSERT 89-22:**



(INSERT 89-22)

1 ~~SECTION 12, 218.01 (8)~~ of the statutes is amended to read:

2 **218.0161 Penalties.** Except for sub. (3) (a) 1., 3., 6., 7., 11., 12., 13., 20., 25.,
3 ~~29. and 30.~~ s. 218.0116 (1) (a), (b), (cm), (d), (f), (fm), (g), (jm), (m), (o) and (om), and
4 except for violations for sub. (2) (a), (2a), (3a) (e) or (7b) s. 218.0114 (1), 218.0117 (3),
5 218.0119 or 218.0147, any person violating ~~this section~~ ss. 218.0101 to 218.0163 may
6 be required to forfeit not less than \$25 nor more than \$500 for each violation.

History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.

(END OF INSERT)

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7 **INSERT 93-1:**

8 218.12 (5) The provision of s. ~~218.01 (3)~~ 218.0116 relating to the denial,
9 suspension and revocation of a motor vehicle salesperson's license shall apply to the
10 denial, suspension and revocation of a mobile home salesperson's license so far as
11 applicable, except that such provision does not apply to the denial, suspension or
12 revocation of a license under sub. (3m).

History: 1973 c. 116; Stats. 1973 s. 218.12; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1979 c. 221; 1989 a. 31; 1991 a. 269; 1997 a. 191, 237.

(END OF INSERT)

13 **INSERT 98-14:**

14 **SECTION 13.** 345.11 (1g) of the statutes is amended to read:

15 345.11 (1g) The uniform traffic citation may be used for violations of ss. ~~218.01~~
16 (2) (a) 218.0114 (1) and 218.205 (1). The report of conviction shall be forwarded to
17 the department.

History: 1971 c. 164 s. 81; 1971 c. 277; 1973 c. 218; 1975 c. 41; 1977 c. 29 ss. 1468, 1654 (7) (a), (c); 1977 c. 273; 1979 c. 34, 257; 1985 a. 29, 36, 145, 309; 1989 a. 31, 105, 170, 335; 1993 a. 436, 437; 1995 a. 227; 1997 a. 120.


2

1 **SECTION 14.** 345.11 (5) of the statutes is amended to read:
2 345.11 (5) Notwithstanding any other provision of the statutes, the use of the
3 uniform traffic citation promulgated under sub. (4) by any peace officer in connection
4 with the enforcement of any state traffic laws, any local traffic ordinances in strict
5 conformity with the state traffic laws or s. ~~218.01 (2) (a)~~ [✓] 218.0114 (1) [✓] or 218.205 (1)
6 shall be deemed adequate process to give the appropriate court jurisdiction over the
7 person upon the filing with or transmitting to the court of the uniform traffic citation.

History: 1971 c. 164 s. 81; 1971 c. 277; 1973 c. 218; 1975 c. 41; 1977 c. 29 ss. 1468, 1654 (7) (a), (c); 1977 c. 273; 1979 c. 34, 257; 1985 a. 29, 36, 145, 309; 1989 a. 31, 105, 170, 335; 1993 a. 436, 437; 1995 a. 227; 1997 a. 120.

(END OF INSERT)

INSERT 101-18:

 **SECTION #.** 632.32 (2) (b) 1. is amended to read:

9 632.32 (2) (b) 1. A motor vehicle dealer, as defined in s. ~~218.01 (1) (n)~~ [✓] 218.0101 [✓]
10 (23) (a).

History: 1975 c. 375, 421; 1979 c. 102, 104; 1979 c. 177 ss. 67, 68; 1979 c. 221; 1981 c. 284; 1983 a. 243, 459; 1985 a. 146 s. 8; 1995 a. 21, 448; 1997 a. 48.

SUBMITTAL FORM

LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 2/12/99

To: Revisor of Statutes

Relating to LRB drafting number: LRB-1086

Topic

99 rb 3 revisor's bill

Subject(s)

State Government - miscellaneous, Transportation - mot veh dealers, Fin. Inst. - banking inst.

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached and complete as / - don't Jacket.
A revised draft will be submitted for your approval with changes incorporated. Law Revision Committee does that

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or

in appropriations or state or general local government fiscal liability or
re request the fiscal estimate prior to introduction. If you choose to
int the fiscal estimate, the fiscal estimate will be requested automatically upon
intu ys to obtain a fiscal estimate. Requesting the fiscal estimate prior to
intr y for possible redrafting of the proposal.

If you relating the above procedures, please call 266-3561. If you have any questions
feel free to call me.

K. Scott Hubli, Administrative Services Manager
Telephone: (608) 266-0135

*Scott--
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a catalog--
See changes--
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typing?
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